

AMENDED IN SENATE JULY 14, 2004  
AMENDED IN SENATE JUNE 29, 2004  
AMENDED IN SENATE JUNE 14, 2004  
AMENDED IN ASSEMBLY JANUARY 15, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1711**

**Introduced by Committee on Judiciary (Corbett (Chair), Harman (Vice Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)**

February 26, 2003

An act to amend Sections 6028, 6140.7, 17209, and 17536.5 of the Business and Professions Code, relating to legal proceedings.

LEGISLATIVE COUNSEL'S DIGEST

AB 1711, as amended, Assembly Committee on Judiciary. Attorneys: false advertising.

Existing law, the State Bar Act, ~~provides for~~ *requires* the licensing and regulation of attorneys by the State Bar of California, and *provides* for the determination of disciplinary and reinstatement proceedings by the State Bar Court. Existing law also requires a member who is suspended, disbarred, or resigns with disciplinary charges pending to pay discipline costs as a condition of reinstatement of, or return to, active membership.

This bill would delete obsolete provisions.

Existing law prohibits acts of *unfair competition and acts of* false and misleading advertising, and specifies the methods for service for any

proceeding alleging a violation, including requiring the person who commenced the proceeding to file notice with the Attorney General.

This bill would revise those provisions to require each person filing any paper with the court in the proceedings to serve a copy of that paper on the Attorney General.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6028 of the Business and Professions  
2 Code is amended to read:

3 6028. (a) The board may make appropriations and  
4 disbursements from the funds of the State Bar to pay all necessary  
5 expenses for effectuating the purposes of this chapter.

6 (b) Except as provided in subdivision (c), no member of the  
7 board shall receive any other compensation than his or her  
8 necessary expenses connected with the performance of his or her  
9 duties as a member of the board.

10 (c) Public members of the board appointed pursuant to the  
11 provisions of Section 6013.5 and public members of the  
12 examining committee appointed pursuant to Section 6046.5 shall  
13 receive, out of funds appropriated by the board for this purpose,  
14 fifty dollars (\$50) per day for each day actually spent in the  
15 discharge of official duties, but in no event shall this payment  
16 exceed five hundred dollars (\$500) per month. In addition, these  
17 public members shall receive, out of funds appropriated by the  
18 board, necessary expenses connected with the performance of  
19 their duties.

20 SEC. 2. Section 6140.7 of the Business and Professions Code  
21 is amended to read:

22 6140.7. Costs assessed against a member publicly reprovod or  
23 suspended, where suspension is stayed and the member is not  
24 actually suspended, shall be added to and become a part of the  
25 membership fee of the member, for the next calendar year. Unless  
26 time for payment of discipline costs is extended pursuant to  
27 subdivision (c) of Section 6086.10, costs assessed against a  
28 member who resigns with disciplinary charges pending or by a  
29 member who is actually suspended or disbarred shall be paid as a  
30 condition of reinstatement of or return to active membership.



SEC. 3. *Section 17209 of the Business and Professions Code is amended to read:*

17209. If a violation of this chapter is alleged or the application or construction of this chapter is in issue in any proceeding in the Supreme Court of California, a state court of appeal, or the appellate division of a superior court, ~~the person who commenced that proceeding~~ *each person filing any paper with the court in that proceeding shall serve notice thereof, including a copy of the person's brief or petition and brief; within three days of filing with the court, a copy of that paper, including all petitions and briefs, on the Attorney General, directed to the attention of the Consumer Law Section at a service address designated on the Attorney General's official Web site for service of papers under this section or, if no service address is designated, at the Attorney General's office in San Francisco, California, and on the district attorney of the county in which the lower court action or proceeding was originally filed. The notice, including the brief or petition and brief, shall be served within three days after the commencement of the appellate proceeding, provided that the time for service may be extended by the Chief Justice or presiding justice or judge for good cause shown. No judgment or relief, temporary or permanent, shall be granted until proof of service of this notice is filed with the court.*

SEC. 4. *Section 17536.5 of the Business and Professions Code is amended to read:*

17536.5. If a violation of this chapter is alleged or the application or construction of this chapter is in issue in any proceeding in the Supreme Court of California, a state court of appeal, or the appellate division of a superior court, each person filing any paper with the court in that proceeding shall serve, within three days of filing with the court, a copy of that paper, including all petitions and briefs, on the Attorney General, directed to the attention of the Consumer Law Section at a service address designated on the Attorney General's official Web site for service of papers under this section or, if no service address is designated, at the Attorney General's office in San Francisco, California, and on the district attorney of the county in which the lower court action or proceeding was originally filed. The time for service may be extended by the Chief Justice or presiding justice or judge for good cause shown. No judgment or relief, temporary

- 1 or permanent, shall be granted until proof of service of this notice
- 2 is filed with the court.

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